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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 IN THE MATTER OF THE SEARCH OF
1940 W. 108TH ST. LOS ANGELES,
13 CA 90047

No. 17-1307-M

GOVERNMENT'S EX PARTE APPLICATION
FOR FIRST EXTENSION OF TIME WITHIN
WHICH TO RETAIN AND SEARCH DIGITAL
DEVICES; DECLARATION OF JASON C.
VAN BENNEKUM

17 The United States of America, by and through its counsel of
18 record, Assistant United States Attorney GEORGE E. PENCE, hereby
19 applies for an order extending by 60 days the time within which the
20 government may retain and search digital devices seized pursuant to a
21 federal search warrant.

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1 This application is based on the attached declaration of Jason
2 Van Bennekum and the files and records of this case, including the
3 underlying search warrant and affidavit in support thereof.

4 Dated: July 21, 2017

Respectfully submitted,

5 SANDRA R. BROWN
6 Acting United States Attorney

7 PATRICK R. FITZGERALD
8 Assistant United States Attorney
 Chief, National Security Division

9 /s/ George E. Pence
10 GEORGE E. PENCE
 Assistant United States Attorney

11 Attorneys for Applicant
12 UNITED STATES OF AMERICA
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1 DECLARATION OF JASON C. VAN BENNEKUM

2 I, JASON C. VAN BENNEKUM, declare as follows:

3 1. I am a Special Agent ("SA") of the Bureau of Alcohol,
4 Tobacco, Firearms and Explosives ("ATF") and have been employed with
5 the ATF since November of 2005 as an SA. I am currently assigned to
6 the Joint Terrorism Task Force, Los Angeles Field Office ("JTTF").
7 In this capacity, I am responsible for investigating violations of
8 federal criminal law, including those laws found in Title 18 of the
9 United States Code relating to false information and hoaxes. Before
10 my employment as an SA, I was employed as a United States Border
11 Patrol Agent for 8 years.

12 2. I have participated in executing search warrants in
13 connection with investigations involving violations of federal and
14 state firearms, drugs, and explosives laws. In the course of my
15 duties, I routinely conduct investigations involving the collection
16 of digital evidence. I have also shared and received information and
17 further training from members of the JTTF regarding hoaxes and
18 terrorist threats.

19 3. I am currently a certified Digital Media Collection
20 Specialist with ATF. In the course of my duties, I routinely assist
21 in the collection of evidence from digital devices.

22 4. This declaration is made in support of a request for an
23 order permitting the government to retain and search, pursuant to the
24 terms of the original warrant in this matter, for an additional 60
25 days, the following digital devices seized pursuant to the search
26 warrant described below (the "SUBJECT DIGITAL DEVICES"):

27 a. Black Dell Laptop S/N: 6P28QR1;

28 b. Vortex Cellular Phone S/N: 359557065091593;

- 1 c. Samsung Cellular Telephone S/N: A0000045B6F5AB;
- 2 d. Alcatel Cellular Telephone S/N: 014316003759333;
- 3 e. Samsung Galaxy S6 Edge Cellular Telephone;
- 4 f. ZTE Cellular Telephone S/N: 322753490989;
- 5 g. Black LG Cellular Telephone S/N: 603CYMR817995;
- 6 h. White Apple iPhone Model A1387;
- 7 i. Red/Black HTC Cellular Telephone S/N: 337h2014-00m;
- 8 j. SD Flash Cards Cellular Telephone Storage Device;
- 9 k. Black Tablet Computer with no identifying marks;
- 10 l. Black HTC Cellular Telephone S/N: ht175t204280;
- 11 m. White Samsung Cellular Telephone IMEI:
12 3546060881785863;
- 13 n. Black ZTE Cellular Telephone S/N: 865891021860065;
- 14 o. Black ZTE Cellular Telephone S/N: 32575306C465;
- 15 p. Black ZTE Cellular Telephone S/N: 327B5169D4E8;
- 16 q. Blue/Gray Samsung Cellular Telephone S/N:RV1D47M604P;
- 17 r. Two Sandisk Cellular Telephone Media Cards;
- 18 s. Nintendo Wii Gaming System;
- 19 t. Black Cisco Router S/N: CVN01K377108;
- 20 u. HP Laptop Computer S/N: CND820HTC0;
- 21 v. Black HP Laptop Computer S/N: CNU804W12
- 22 w. Black Dell Laptop Computer S/N: ST 35MM52
- 23 x. Seagate Red External Hard Drive;
- 24 y. Dell Laptop Computer S/N 00144560662438;
- 25 z. Black Technicolor Router S/N: CP1539CB7QC;
- 26 aa. Silver Dell Laptop Computer S/N: CNORT9514864378F0331;
- 27 bb. Black Technicolor Router S/N: CP1529CBK0B;
- 28 cc. Blue Acer Laptop Computer S/N: LXPM9021439501B5412000;

1 dd. Black Dell Laptop Computer S/N: ST 4m46Z52;
2 ee. Black Compaq Laptop Computer S/N: CNF750739Y;
3 ff. Silver Lenovo Laptop Computer S/N: EB32437955;
4 gg. Silver Toshiba Laptop Computer S/N: Zb15880W;
5 hh. Black Asus Laptop Computer S/N: A30AAS373387;
6 ii. Silver HP Laptop Computer S/N 2CE7437RP;
7 jj. Blue Compaq Laptop Computer S/N: CNU23809CJ;
8 kk. Gray Samsung Cellular Telephone S/N: 351938061959520;
9 ll. Blue ZTE Cellular Telephone S/N: 327B33281910;
10 mm. Blue Alcatel Cellular Telephone S/N: 2CE4U81;
11 nn. Black ZTE Cellular Telephone S/N: 32576371B409;
12 oo. Black BLU Cellular Telephone FCC ID: YHLBLUEADVANCE4L;
13 pp. Black LG Cellular Telephone S/N: 503KPPB69920;
14 qq. Silver LG Cellular Telephone S/N: 510CYMR441963B;
15 rr. Silver IOMEGA External Harddrive;
16 ss. White Samsung Mini Tablet;
17 tt. HP All in One Computer S/N: 3CR31101C7; and
18 uu. Black ZTE Cellular Telephone S/N:32BC5265464.

19 5. On May 25, 2017, Federal Bureau of Investigation ("FBI") SA
20 Jason Ghetian obtained a federal search warrant issued by the
21 Honorable Suzanne H. Segal, United States Magistrate Judge,
22 authorizing the search of the SUBJECT DIGITAL DEVICES. The warrant,
23 which is incorporated herein by reference, authorized the search of
24 digital devices seized from 1940 W. 108th Street, Los Angeles,
25 California for a period of 60 days after the execution of the warrant
26 to allow the government to search such devices for evidence of
27 violations of Title 18, United States Code, Sections 1038 (False
28 information and hoaxes) and 875(c) (Interstate communications).

1 6. On May 26, 2017, Agents and Officers of the JTTF executed
2 that search warrant at 1940 W. 108th Street, Los Angeles, California
3 and seized the SUBJECT DIGITAL DEVICES.

4 7. This is the first request for an extension. The current
5 deadline by which the government must complete its review of the
6 SUBJECT DIGITAL DEVICES is July 25, 2017.

7 8. Since seizing the SUBJECT DIGITAL DEVICES, all of the
8 SUBJECT DIGITAL DEVICES have been turned over to a team of computer
9 forensic specialists at the Electronic Crimes Task Force Lab. Thus
10 far, the forensic specialists have analyzed five of the SUBJECT
11 DIGITAL DEVICES and have found evidence of violations of Title 18,
12 United States Code, Sections 1038 (False information and hoaxes) and
13 875(c) (Interstate communications). The review of the remaining
14 SUBJECT DIGITAL DEVICES is ongoing.

15 9. For the following reasons, I am requesting an additional 60
16 days for the government to complete its review of the SUBJECT DIGITAL
17 DEVICES:

18 a. The forensic review of digital devices is time
19 consuming. Agents cannot simply turn on computers and review their
20 contents, because merely turning on a computer and reviewing its
21 contents changes the data on the computer. Specialized computer
22 software is therefore needed to ensure that evidence remains in a
23 pristine and usable condition, and is not affected by the review
24 process. The review also must be conducted by agents who have

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1 received specialized training to ensure that the review is done
2 thoroughly and in a forensically sound fashion. This process takes
3 substantial time.

4 b. The SUBJECT DIGITAL DEVICES contain approximately
5 hundreds of gigabytes of information. Based on my training and
6 experience, I know that one gigabyte could hold the contents of about
7 ten yards of books on a shelf. One hundred gigabytes could hold an
8 entire library floor of academic journals. One of the SUBJECT
9 DIGITAL DEVICES in particular is a hard drive that contains one
10 terabyte of information. One terabyte is approximately 1,000
11 gigabytes worth of information.

12 c. The forensic team is processing 47 digital devices in
13 total, which includes a high volume of data. In addition to the
14 time-consuming nature of the examination, dignitary protective
15 assignments require the participation of a large number of FBI and
16 ATF personnel, including our forensic examiners. This has created a
17 delay in the examination of the SUBJECT DIGITAL DEVICES. Finally,
18 the forensic examiners are dealing with a backlog of cases that pre-
19 existed the above investigation, and accordingly, will not be able to
20 complete the search by the current search warrant deadline.

21 I declare under penalty of perjury under the laws of the United
22 States of America that the foregoing is true and correct and that
23 this declaration is executed at Los Angeles, California, on July 24,
24 2017.

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27 JASON C. VAN BENNEKUM
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